

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

H.R. 4758, To Prohibit Federal Agencies From Providing Automatic Data Processing or Telecommunications (ADP/T) Services

FROM:

EO/DDA
7D-18 Hqs.

EXTENSION

NO.

DD/A⁸¹ 2593/1

DATE

16 December 1981

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. D/Communications
2A-03 ☐ Bldg.

2.

3. D/Data Processing
2D-00 Hqs.

4.

5.

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15.

1 and 3:

Would you please forward your comments on the attached to me by 22 January 1982 so I may forward same under the signature of the DDA. It seems to me that we would have problems with H.R. 4758 considering, perhaps, joint activities with foreign intelligence agencies.

Distribution:

- 0 - D/OC
- 1 - D/ODP
- 1 - DDA Subject
- 1 - DDA Chrono
- 1 - EO Chrono

EO/DDA ☐ ba (16Dec81)

DD/A REGISTRY

FILE: 0+M-2-2

SECRET

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81-2593

OGC 81-10419
11 December 1981

25X1

MEMORANDUM FOR:

[REDACTED]
C/PCS/DDO

25X1

[REDACTED]
SA/DDS&T

25X1

[REDACTED]
EO/DDA

25X1

FROM:

[REDACTED]
Chief, Legislation Division, OGC

SUBJECT:

H.R. 4758, To Prohibit Federal Agencies
From Providing Automatic Data Processing
or Telecommunications (ADP/T) Services

25X1

1. Representative Glenn English (D, OK) has introduced H.R. 4758 to prevent federal agencies from supplying ADP/T services which the private sector could provide. The Bill awaits action in the House Government Operations Subcommittee on Government Information and Individual Rights, which Representative English chairs. We do not anticipate legislative action on the Bill until the second session of the 97th Congress beginning in January, but we are soliciting your comments now so we can be prepared to pursue amendments to the legislation if necessary. [REDACTED]

2. The Bill amends section 111 of the Federal Property and Administrative Services Act of 1949 to prohibit federal agencies from providing ADP/T services to anyone unless:

- (a) the user of the service is another federal agency,
- (b) a statute specifically requires the service, or
- (c) other statutory authority exists for the service, the President determines that the private sector cannot provide the service, and the President issues an Executive Order to regulate the service.

25X1

This prohibition would apply to the Central Intelligence Agency in the same manner as it would to other federal agencies. Those automatic data processing or telecommunications services the Agency provides to other federal agencies, e.g. the [REDACTED] would be exempt from the prohibition. However, ADP/T services provided to anyone else, including foreign government intelligence or security services and private commercial enterprises, would

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be subject to the prohibition unless specifically authorized by statute, or generally authorized by statute, found by the President to be beyond the capability of the private sector to provide, and regulated by an Executive Order. ☐

25X1

3. Please review H.R. 4758 in light of Agency ADP/T activities and provide any comments you may have by 31 January 1982. ☐

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Attachment (H.R. 4758)

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97TH CONGRESS
1ST SESSION

H. R. 4758

To amend the Federal Property and Administrative Services Act of 1949 to prohibit Federal agencies from vending telecommunications and automatic data processing services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 1981

Mr. ENGLISH introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend the Federal Property and Administrative Services Act of 1949 to prohibit Federal agencies from vending telecommunications and automatic data processing services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 111 of the Federal Property and Administrative
4 Services Act of 1949 is amended by adding at the end there-
5 of the following new subsection:

6 “(h)(1) Except as provided in paragraph (2), no auto-
7 matic data processing equipment or telecommunications fa-

1 cility owned, operated, managed, or controlled by any Feder-
2 al agency may be used to provide data processing or telecom-
3 munications services to any person or entity other than an-
4 other Federal agency.

5 “(2) Notwithstanding paragraph (1), a data processing
6 or telecommunications service may be provided—

7 “(A) pursuant to a specific statutory requirement
8 which describes the service to be provided; or

9 “(B) pursuant to other statutory authority if the
10 President determines that private persons cannot pro-
11 vide the service and promulgates an Executive order
12 which specifies—

13 “(i) the service to be provided;

14 “(ii) the identity or category of persons or
15 entities to be provided such service; and

16 “(iii) the terms and conditions under which
17 such services are to be provided.

18 “(3) Each specification of terms and conditions under
19 paragraph (2)(B)(iii) shall, to the extent feasible, require the
20 reimbursement of the Government for all costs of providing
21 the data processing or telecommunications service, including
22 costs of general overhead, plant, and equipment.

23 “(4) The provisions of this subsection do not apply to
24 the use by a Federal agency of automatic data processing
25 equipment or telecommunications facilities to provide infor-

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1 mation to the public from the records of such agency or con-
2 cerning the conduct of governmental functions by such
3 agency.”.

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